

**CL 02L0771 - GWENDOLYN BURNS**

02-*R*-2049

DEC 02 2002

THIS ADVERSED REPORT IS  
APPROVED

BY: Linda K. DiSantis

LINDA K. DiSANTIS  
CITY ATTORNEY

ADVISORY  
CITY COUNCIL DEC 6 2 2002

# ADVERSE REPORT

COMM: Public Safety

DATE: 11-26-82

CHAIR: 

Carl Smith

H. R. Shaw

*[Handwritten signature]*

SSS

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174 Springer *Journal of Management Education* 35(2)



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

December 12, 2002

David Kirk  
Attorney at Law  
Troutman Sanders LLP  
600 Peachtree Street, NE  
Suite 5200  
Atlanta, GA 30308-2216

02-R-2049

RE: Atlanta Transfer Station, LLC

Dear Attorney Kirk:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on December 2, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0771

Date: November 15, 2002

Claimant /Victim ATLANTA TRANSFER STATION, LLC  
BY: (Atty) (Ins. Co.) David Kirk, Esq, TROUTMAN SANDERS LLP  
Address: Bank of America Plaza, 600 Peachtree Street, NE, Suite 5200, Atlanta, Georgia 30308-2216  
Subrogation: Claim for Property damage \$ 650,000.00 Bodily Injury \$                       
Date of Notice: 10/21/02 Method: Written, Proper X Improper                       
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 8/16/02 Place: 1111 Ridge Avenue, SW  
Department PLANNING DEVELOPMENT & NEIGHBORHOOD CONSERVATION Division Planning  
Employee involved                                      Disciplinary Action:                                     

NATURE OF CLAIM: Claimant alleges that it sustained extensive property damage as a result of the City's revocation of a building permit that was issued for the above-referenced property. However, the issues of this claim have been resolved through the Board of Zoning Adjustment whereas the claimant received a favorable ruling to reinstate its original building permit.

### INVESTIGATION:

Statements: City employee                      Claimant                      Others                      Written                      Oral                       
Pictures                      Diagrams                      Reports: Police                      Dept Report                      Other X  
Traffic citations issued: City Driver                      Claimant Driver                       
Citation disposition: City Driver                      Claimant Driver                     

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial                       
Improper Notice                      More than Six Months                      Other X Damages reasonable                       
City not involved                      Offer rejected                      Compromise settlement                       
Repair/replacement by Ins. Co.                      Repair/replacement by City Forces                       
Claimant Negligent                      City Negligent                      Joint                      Claim Abandoned                     

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$                      Adverse X Account charged: 1A01                      2J01                      2P01                      2H01                       
Claims Manager:                      Concur/date 11-15-02  
Committee Action:                      Council Action

CONSENT I

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**12/02/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT****AGENDA**

- |               |               |               |
|---------------|---------------|---------------|
| 1. 02-O-1925  | 31. 02-O-1920 | 62. 02-R-2104 |
| 2. 02-O-1926  | 32. 02-O-1921 | 63. 02-R-2112 |
| 3. 02-O-1927  | 33. 02-O-2001 | 64. 02-R-2113 |
| 4. 02-O-1928  | 34. 02-O-2097 | 65. 02-R-2115 |
| 5. 02-O-1929  | 35. 02-O-2098 | 66. 02-R-2116 |
| 6. 02-O-1969  | 36. 02-O-2099 | 67. 02-R-2117 |
| 7. 02-O-1976  | 37. 02-O-2100 | 68. 02-R-2125 |
| 8. 02-O-2095  | 38. 02-R-1593 | 69. 02-R-2126 |
| 9. 02-O-1998  | 39. 02-R-1848 | 70. 02-R-2016 |
| 10. 02-O-1892 | 40. 02-R-1849 | 71. 02-R-2017 |
| 11. 02-O-1903 | 41. 02-R-1850 | 72. 02-R-2018 |
| 12. 02-O-1907 | 42. 02-R-1985 | 73. 02-R-2019 |
| 13. 02-O-1139 | 43. 02-R-2003 | 74. 02-R-2022 |
| 14. 02-O-1292 | 44. 02-R-2004 | 75. 02-R-2060 |
| 15. 02-O-1913 | 45. 02-R-2009 | 76. 02-R-2061 |
| 16. 02-O-1930 | 46. 02-R-2010 | 77. 02-R-2062 |
| 17. 02-O-2103 | 47. 02-R-2011 | 78. 02-R-2069 |
| 18. 02-O-1922 | 48. 02-R-2012 | 79. 02-R-2072 |
| 19. 02-O-1923 | 49. 02-R-2013 | 80. 02-R-2074 |
| 20. 02-O-2091 | 50. 02-R-2014 | 81. 02-R-2122 |
| 21. 02-O-2092 | 51. 02-R-2057 | 82. 02-R-2023 |
| 22. 02-O-2105 | 52. 02-R-2058 | 83. 02-R-2064 |
| 23. 02-O-1396 | 53. 02-R-2073 | 84. 02-R-2065 |
| 24. 02-O-1792 | 54. 02-R-2015 | 85. 02-R-2066 |
| 25. 02-O-1914 | 55. 02-R-2059 | 86. 02-R-2070 |
| 26. 02-O-1915 | 56. 02-R-1216 | 87. 02-R-2028 |
| 27. 02-O-1916 | 57. 02-R-2119 | 88. 02-R-2029 |
| 28. 02-O-1917 | 58. 02-R-2123 | 89. 02-R-2030 |
| 29. 02-O-1918 | 59. 02-R-2055 | 90. 02-R-2031 |
| 30. 02-O-1919 | 60. 02-R-2063 | 91. 02-R-2032 |
|               |               | 92. 02-R-2033 |
|               |               | 93. 02-R-2034 |
|               |               | 94. 02-R-2035 |
|               |               | 95. 02-R-2036 |
|               |               | 96. 02-R-2037 |

**ITEMS ADVERSED ON CONSENT****AGENDA**

- |                |                |
|----------------|----------------|
| 97. 02-R-2027  | 107. 02-R-2047 |
| 98. 02-R-2038  | 108. 02-R-2048 |
| 99. 02-R-2039  | 109. 02-R-2049 |
| 100. 02-R-2040 | 110. 02-R-2050 |
| 101. 02-R-2041 | 111. 02-R-2051 |
| 102. 02-R-2042 | 112. 02-R-2052 |
| 103. 02-R-2043 | 113. 02-R-2053 |
| 104. 02-R-2044 | 114. 02-R-2054 |
| 105. 02-R-2045 |                |
| 106. 02-R-2046 |                |

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Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)

Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118